

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

NICOLE SPROUT

Plaintiff

v.

SALVATION ARMY OF THE UNITED
STATES, THE SALVATION ARMY –
GREATER NEW YORK DIVISION, THE
SALVATION ARMY – EMPIRE STATE
DIVISION, GARY CROWELL, CAROL
BETH CROWELL,

Defendants.

SUMMONS

Index No.:

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the date of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

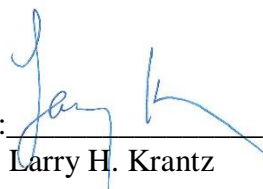
The basis of venue in this Court is it is the applicable court of jurisdiction where the majority of the defendants, or their parent organization, have their principal place of business and/or have operations.

DATED: November 4, 2019
New York, New York

MANLY, STEWART & FINALDI

John C. Manly, Esq.
747 Third Avenue,
32nd Floor
New York, New York 10017
jmanly@manlystewart.com

KRANTZ & BERMAN LLP

By: 
Larry H. Krantz

Marjorie E. Berman
Hugh D. Sandler
747 Third Avenue
32nd Floor
New York, New York 10017
Telephone: (212) 661-0009
lkrantz@krantzberman.com
mberman@krantzberman.com
hsandler@krantzberman.com

Attorneys for Plaintiff Nicole Sprout

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

NICOLE SPROUT

Plaintiff,

vs.

COMPLAINT

SALVATION ARMY OF THE UNITED STATES,
THE SALVATION ARMY – GREATER NEW
YORK DIVISION, THE SALVATION ARMY –
EMPIRE STATE DIVISION, GARY CROWELL,
CAROL BETH CROWELL

Index No.

Defendants.

Plaintiff Nicole Sprout (“Plaintiff” or “Ms. Sprout”), by and through her undersigned attorneys, as for her Complaint against the Defendants, alleges as follows:

NATURE OF ACTION

1. This action is brought under the auspices of New York’s *Child Victims Act*.¹ It concerns the repeated acts of sexual abuse, including rape, harassment, and violence, that was committed *for years* against Ms. Sprout. The principal abuser was Defendant Gary Crowell who was an agent, administrator, and/or officer of Defendants Salvation Army of the United States and The Salvation Army – Greater New York Division. The abusive and violent sexual acts alleged here were committed against a girl who was no more than thirteen years old when they began and, who, for a period of the abuse, was living in the home and under the legal guardianship of Defendant Gary Crowell and his wife, Defendant Carol Beth Crowell.

¹ See Rule 214-g of New York Rules of Civil Practice Law & Rules (“CPLR”).

2. Ms. Sprout asserts state law claims for negligence, sexual abuse of a child by a person of trust; negligent hiring, retention, and supervision; negligent and intentional infliction of emotional distress; assault; and battery. Ms. Sprout seeks monetary damages for the injuries she has suffered.
3. The incidents alleged in this Complaint occurred from in and around 1991 to 1994. Plaintiff was thirteen to sixteen years old at this time and affiliated with Defendants Salvation Army of the United States, The Salvation Army – Empire State Division, and The Salvation Army – Greater New York Division. The incidents of abuse alleged here constitute sexual offenses committed against a child fewer than eighteen years of age, as defined in Article 130 of the New York Penal Law.
4. Defendant Gary Crowell (“Crowell” or “Defendant Crowell”), among others, sexually, and otherwise, abused Plaintiff by, on, and around the following locations: (i) in and around property owned and/or controlled by Salvation Army, including Long Point Camp in Penn Yann, New York; (ii) the Defendant Crowell’s and Defendant CB Crowell’s residence at the time in East Northport, NY and/or Lockport, NY; and (iii) trips to various locations in and around New York State.

PARTIES

5. Plaintiff Nicole Sprout was born on May 9, 1977, and currently resides in Florida. At all times of the incidents alleged here, Plaintiff was a resident of the State of New York.
6. Upon information and belief, Defendant Gary Crowell is a resident of the County of York in Maine.
7. Upon information and belief, Defendant Carol Beth Crowell (“CB” or “Defendant CB Crowell”) is a resident of the County of York in Maine.

8. Upon information and belief, Defendant Salvation Army of the United States is headquartered in Alexandria, Virginia. Upon information and belief, Defendant Salvation Army of the United States maintains operations, offices, and personnel in County of New York and those operations, offices, and personnel are material to the allegations herein.
9. Upon information and belief, Defendant The Salvation Army – Greater New York Division is a resident of the County of New York, State of New York.
10. Upon information and belief, Defendant The Salvation Army – Empire Division is a resident of the County of Niagara, State of New York.
11. Defendants listed above in Paragraphs 8-10 are hereinafter collectively referred to as “Salvation Army” or “Salvation Army Defendants.”
12. Defendants listed above in Paragraphs 6-10 may hereinafter be collectively referred to as “Defendants” or “All Defendants.”
13. The incidents alleged in this Complaint occurred in or around property owned and/or controlled by Salvation Army Defendants, the residence(s) of Defendant Crowell and Defendant CB Crowell, and other locations in and around New York State.

JURISDICTION AND VENUE

14. By reason of the foregoing, this Court has jurisdiction over the Defendants under Section 301, *et seq.*, of the CPLR.
15. Venue is proper in this county under CPLR Section 503(a), because Salvation Army Defendants either reside in New York County and/or maintain principal places of operation in New York County.

FACTS

16. Plaintiff was born on May 9, 1977, in Jamaica, Queens, New York.

17. Growing up in Long Island, Plaintiff's mother began taking Plaintiff as a young child to attend church at the Salvation Army in East Northport, New York, starting in approximately 1988.
18. Due to a difficult home life, including having no father at home, Plaintiff found community and comfort in attending the Salvation Army church and afterschool programs.
19. Plaintiff grew to rely and trust the Salvation Army and its officers.
20. Defendant Crowell and his wife, Defendant CB Crowell, were the commanding officers at the East Northport Salvation Army Corps.
21. Crowell and CB were a guiding force in Plaintiff's young life, as they taught her about a relationship with Christ and the Bible, encouraged her, and invited her into their church community and family life.
22. Plaintiff grew to trust Crowell and CB such that she agreed to often watch their two young children and was therefore often sleeping over at the Crowells' home.
23. It was at this early age that Crowell, while a commanding officer of East Northport Salvation Army Corps, began grooming Plaintiff with the ultimate goal of sexually harassing, molesting, and abusing her.
24. By the time Plaintiff was twelve years old, Crowell was spending an inordinate amount of time with Plaintiff, singling out Plaintiff to teach her about the Bible, playing basketball with Plaintiff, and giving Plaintiff attention that, especially as a child with no father in the home at the time, was exploitative.
25. Crowell's grooming of Plaintiff turned sexual when Plaintiff was approximately thirteen years old.

26. Crowell would take opportunities to touch the body of Plaintiff under the guise of playful interactions, including chasing Plaintiff around, hugging Plaintiff, and rubbing Plaintiff's back.
27. Crowell would engage in sexual harassment and molestation, which included Crowell taking ice cubes and putting them onto the bare skin of Plaintiff, underneath her shirt and pants, including under Plaintiff's underwear. Crowell caused his hands and fingers to go inside Plaintiff's pants and under her underwear, such that Crowell was touching and fondling the vaginal area of Plaintiff.
28. Crowell and CB then received orders from Defendant Salvation Army of the United States and Defendant The Salvation Army – Greater New York Division to transfer to the Salvation Army of Lockport, New York, within Defendant The Salvation Army – Empire State Division.
29. Due to Plaintiff's broken home in East Northport and having a mother who was severely depressed and emotionally unstable, Plaintiff's youth pastor at East Northport Salvation Army Corps commenced communications between Crowell and Plaintiff's mother for Plaintiff to live with Crowell and CB in Lockport, New York.
30. In or about February 1992, Plaintiff's mother relied and trusted in Crowell and CB to the point that Plaintiff's mother actually turned over legal guardianship of Plaintiff to Crowell and CB when Plaintiff was just 14 years old.
31. After having previously lived intermittently with the Crowells in East Northport, Plaintiff began living with Crowell and CB in Lockport, New York, as her legal guardians, while they were commanding officers within the Salvation Army of Lockport, New York.

32. In or about March 1992, while a commanding officer at the Salvation Army of Lockport, New York, Crowell engaged in further harassment, molestation and escalated sexual abuse of Plaintiff.
33. The first incident of sexual abuse in Lockport, began with Crowell rubbing Plaintiff's back to comfort her, when Plaintiff was upset. Crowell then began to put his hands under Plaintiff's shirt and then under Plaintiff's pants. Crowell then digitally penetrated Plaintiff, when she was just 14 years old. Plaintiff was frozen, numb and in shock at what was happening.
34. Plaintiff remembers Crowell then saying that "it [is] ok... we can wait for more." Plaintiff understood that this meant that Crowell had engaged in this grooming and abuse process previously and/or he had the intention of continuing in this behavior with her.
35. Crowell told Plaintiff to promise him that she would not tell anyone. Plaintiff submitted to Crowell's direction out of fear of losing her community, home, and family.
36. Exploiting his position as commander of the Lockport Salvation Army church and legal guardian of Plaintiff, Crowell then escalated his harassment and abuse of Plaintiff over the course of three additional years.
37. During the time period when Plaintiff was fourteen to sixteen years old, Crowell repeatedly raped Plaintiff, engaging in sexual intercourse with Plaintiff, approximately two to three times per week.
38. Crowell would frequently wake Plaintiff in the morning before school or wait until later in the evening to sexually abuse Plaintiff, including undressing Plaintiff while she was still asleep. The repeated and ongoing sexual abuse, included, but was not limited to, fondling of Plaintiff's breasts, vagina, digitally penetrating Plaintiff, and raping Plaintiff by

engaging in vaginal intercourse with Plaintiff. Crowell would never use any condoms or other forms of birth control with Plaintiff.

39. Crowell would frequently isolate and sexually abuse or harass Plaintiff in the Lockport gym or in his van. Plaintiff is informed and believes, and thereon alleges that CB and other officers of the Church knew or should have known of Plaintiff's isolation and sexual abuse by Crowell.

40. Plaintiff also attended summer camp in 1992, known as Long Point Camp, which was a Salvation Army camp based in Penn Yann, New York. Crowell was also involved in the Long Point Camp as an officer. Upon visiting the camp, Crowell would isolate, sexually harass, and abuse Plaintiff, including in the laundry room.

41. Crowell would also sexually abuse Plaintiff while on vacation, including at the home of Susan and Phil Whittenburg, who were fellow officers within the Salvation Army.

42. During the time period wherein Plaintiff was enduring the ongoing abuse by Crowell, Plaintiff became so distraught by the secrecy that Crowell forced upon her that she became physically ill, vomiting on a regular basis and crying at night.

43. CB noticed this behavior and asked Plaintiff what was happening. Plaintiff informed CB that someone was hurting her, but that Plaintiff did not want to tell CB who the perpetrator was.

44. Despite being an officer of the Salvation Army and childcare custodian, CB did not notify law enforcement or social services. Instead, CB took Plaintiff to a counseling center wherein Plaintiff declined to reveal who was hurting her because she was too afraid of implicating Crowell and losing her family.

45. Thus, even though she was an officer of the Salvation Army as well as a childcare provider, CB did nothing to report or prevent any further abuse, harassment, and mistreatment of Plaintiff.
46. At approximately the age of fifteen, Plaintiff became concerned because she missed her period. Plaintiff informed Crowell of this concern, who then became very angry and pushed Plaintiff down a set of stairs. The next day, Plaintiff bled heavily and painfully from her vagina while in the shower. Plaintiff is informed and believes that she was pregnant at the time, and Crowell's conduct caused Plaintiff to have a miscarriage.
47. Thereafter, Crowell continued to sexually abuse and rape Plaintiff, including in a more aggressive manner. Crowell also began to threaten to put Plaintiff into a group home if she told anyone about the abuse.
48. At the age of sixteen, Plaintiff was sitting inside the Lockport Church, listening to Crowell preach to the constituents of the church. At that point, after enduring years of rape, abuse, harassment and intimidation, Plaintiff built up enough courage to yell "Rapist" during the course of Crowell's sermon.
49. Plaintiff continued to yell "Rapist" in front of the other army members until the Corps Sergeant Major physically dragged Plaintiff from the meeting. Plaintiff then began to walk home from the meeting.
50. On Plaintiff's walk home, CB pulled up next to Plaintiff in her van, and asked Plaintiff if Crowell was the man hurting Plaintiff. Plaintiff admitted that Crowell was that man.
51. CB told Plaintiff that she should go and stay with another family from the church for a few weeks and allowed Plaintiff to start packing her things. Again, despite being an officer of

the Salvation Army and child care provider, CB did not notify law enforcement or social services of the abuse of Plaintiff by Crowell.

52. Crowell then arrived at the home in a rage. He entered Plaintiff's room, threw her on the bed and pleaded with Plaintiff to lie and tell everyone that he was not a rapist or hurting her. Crowell then attempted to again rape Plaintiff, but Plaintiff was able to escape and run out of the house.

53. The Corps Sergeant Major from the Lockport church then arrived at the home to take Plaintiff to stay at the home of another female employee from the church.

54. Plaintiff was eventually invited to stay at the home of another family, Jon and Claire Smith, for the conclusion of the school year.

55. That following summer, in approximately 1993, Plaintiff attended the Salvation Army camp known as Long Point Camp, based in Penn Yann, New York. At the camp, Plaintiff confided in another camper about her abuse, who reported the abuse to Sue Zanders, a program director at the Long Point Camp. Ms. Zanders acknowledged that she always believed that something was suspicious between Crowell and Plaintiff.

56. Ms. Zanders then reported Plaintiff's complaint and abuse to Captain Tom Applin, the camp director, who then reported the abuse to Colonel Eugene Pickford, who was the Division Commander at the time. Colonel Pickford called a meeting with Plaintiff, Ms. Zanders, himself and Captain Tom Applin, who was the Division Youth Secretary at the time.

57. At the meeting, Plaintiff disclosed the sexual abuse by Crowell. Plaintiff is unsure as to whether Crowell was reported to law enforcement and/or social services by the Camp staff.

58. Plaintiff then went to live with various friends and families where she was required to pay rent. Plaintiff remained connected to the church but felt abandoned by the church for refusing to hold her abuser accountable.
59. Subsequently, in 2015, Plaintiff discovered that Crowell and CB were depicted in a photograph on the website for the Northern New England Salvation Army Division. Plaintiff complained to the Divisional Commander within the Divisional Headquarters about removing that photograph.
60. Crowell and CB have since admitted the abuse occurred. Upon information and belief, Crowell's officership has since been terminated; however, CB remains active with the Salvation Army, including serving as a youth director in Old Orchard Beach, Maine.
61. The abuse has caused permanent trauma and emotional damage to Plaintiff, causing Plaintiff to muster the courage to make a criminal complaint against Crowell with the Lockport Police Department in 2019.
62. As a direct result of the conduct of Defendants described herein, Plaintiff was prevented and will continue to be prevented from performing many normal daily activities and achieving full enjoyment of her life. Defendants' sexual abuse, molestation, and harassment of Plaintiff, and/or their implicit role therein, has caused her considerable emotional distress, including but not limited to: pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, depression, anxiety, humiliation, and loss of enjoyment of life; has caused Plaintiff to sustain and will continue to sustain loss of earnings and earning capacity; and/or have caused Plaintiff to incur and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

CAUSES OF ACTION**COUNT 1****NEGLIGENCE****CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY****(Against All Defendants)**

63. Plaintiff repeats and realleges each and every allegation contained in paragraphs “1” through “62” above with the same force and effect as if more fully set forth here, and further alleges:
64. At all relevant times alleged herein and during his employment, Defendant Crowell was an employee and officer of Salvation Army, and was thereby given access to Plaintiff during the course and scope of his duties, when his employer knew or should have known that Defendant Crowell presented an unreasonable risk of harm to minors, including Plaintiff.
65. Defendant Crowell’s repeated isolation of Plaintiff, grooming of Plaintiff, sexual harassment of Plaintiff, both before and after Crowell became Plaintiff’s guardian, constituted “red flags” that went unheeded, and but for the negligence of Defendants Salvation Army and Defendant CB Crowell, Defendant Crowell’s actions went unchecked as he continued to molest and abuse Plaintiff between 1991 and 1994.
66. All Defendants had a non-delegable duty to protect minors, like Plaintiff, from unwanted sexual conduct, sexual abuse, and the associated trauma resulting therefrom. Here, Defendants failed to take any reasonable steps to ensure the safety of children, and Plaintiff in particular.
67. Defendant CB Crowell and Defendants Salvation Army, by and through their agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known, of Defendant Crowell’s dangerous and exploitative propensities and/or that Defendant Crowell was an unfit agent because of his sexual interest in children. Crowell’s wife,

Defendant CB Crowell, who was a commanding officer in the Salvation Army Corps, and lived in the home where much of the abuse took place, knew (or should have known) from when the abuse began (and, in any case, was eventually expressly told of the abuse) and suppressed that information. She did not inform law enforcement, social services, or adequately protect Plaintiff, despite being Plaintiff's legal guardian.

68. It was reasonably foreseeable that if Salvation Army Defendants and Defendant CB Crowell did not adequately exercise or provide the duty of care owed to children in its control and care, including but not limited to Plaintiff, the children entrusted to their care would be vulnerable to sexual abuse by Defendants' agents, servants, and/or employees, including Defendant Crowell.

69. Salvation Army Defendants and Defendant CB Crowell each breached the duty of care owed to the minor Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of its employees or officers, including Defendant Crowell.

70. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing Plaintiffs' daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

71. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT II
NEGLIGENCE – HIRING/RETENTION
(Against Salvation Army Defendants and Defendant CB Crowell)

72. Plaintiff repeats and realleges each and every allegation contained in paragraphs “1” through “71” above with the same force and effect as if more fully set forth here, and further alleges:

73. Salvation Army Defendants and Defendant CB Crowell each had a duty to protect Plaintiff when she was entrusted to their care. Consequently, Salvation Army Defendants and Defendant CB Crowell owed Plaintiff, in addition to a duty of ordinary care, the high duty of care for adults supervising children within their care and control. Plaintiff was owed, at minimum, by Salvation Army Defendants and Defendant CB Crowell a duty to be protected from harm inflicted by Defendant Crowell, during the course of Plaintiff attending meetings and events within the Salvation Army.

74. Defendant CB Crowell and Salvation Army Defendants, by and through their agents, servants, and/or employees, had actual knowledge, knew, or reasonably should have known of Defendant Crowell’s dangerous and exploitative propensities and/or that Defendant Crowell was an unfit agent because of his sexual interest in children. It was reasonably foreseeable that if Defendant CB Crowell and/or Salvation Army Defendants did not adequately exercise or provide the duty of care owed to children in their control and care, including but not limited to Plaintiff, she would be vulnerable to sexual abuse by Defendants’ agents, servants, and/or employees, including Defendant Crowell.

75. Salvation Army Defendants and Defendant CB Crowell each breached the duty of care owed to Plaintiff by failing to protect her from foreseeable harm of sexual misconduct of their employees, personnel, or officers, including Defendant Crowell.
76. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.
77. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT III
NEGLIGENT SUPERVISION
(Against Salvation Army Defendants and Defendant CB Crowell)

78. Plaintiff repeats and realleges each and every allegation contained in paragraphs “1” through “77” above with the same force and effect as if more fully set forth here, and further alleges:
79. Salvation Army Defendants and Defendant CB Crowell had a duty to provide reasonable supervision of their employee, agent, and officer, Defendant Crowell, when he interacted with minors and to follow up on any reports of misconduct.

80. It was reasonably foreseeable that those employees, agents, and officers, of Defendants with a sexual interest in children, including Defendant Crowell, would act upon these interests and sexually abuse children, including the Plaintiff, unless properly supervised.
81. Defendant CB Crowell and Salvation Army Defendants, by and through each entity's respective agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known, of Defendant Crowell's dangerous and exploitative propensities and/or that Crowell was an unfit agent due to his sexual interest in children.
82. Despite such knowledge, Defendant CB Crowell and Salvation Army Defendants each breached its duty to provide reasonable supervision of Defendant Crowell. These failures enabled Defendant Crowell, who was routinely in a position of ready access to children, to sexually abuse Plaintiff.
83. At all times relevant hereto, including, but not limited to, during the sexual abuse of minors, Defendant Crowell was acting in the course and scope of his employment with Defendants as their agent, apparent agent, servant, employee, and/or officer.
84. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

85. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

86. Plaintiff repeats and realleges each and every allegation contained in paragraphs “1” through “85” above with the same force and effect as if more fully set forth here, and further alleges:

87. By turning a blind eye toward actual knowledge of Defendant Crowell’s abuse, by employing Defendant Crowell, by choosing to place Defendant Crowell in a position wherein he was an officer and could work unsupervised and with close proximity to children, and by allowing Defendant Crowell access to numerous children, Defendants caused Plaintiff to be sexually abused. Defendant CB Crowell and Salvation Army Defendants acted with extreme and outrageous conduct, which intentionally and/or recklessly caused severe emotional distress and bodily harm to Plaintiff.

88. Defendant Crowell’s wife, Defendant CB Crowell, who was a commanding officer in the Salvation Army Corps, and lived in the home where much of the abuse took place, knew (or should have known) from when the abuse began (and, in any case, was *eventually expressly told of the abuse*) suppressed that information. She did not inform law enforcement, social services, or adequately protect Plaintiff, despite being Plaintiff’s legal guardian. The later apologies that Defendant Crowell and Defendant CB Crowell issued Plaintiff only further underscore the outrageous, reckless, and intentionalness of their, and the Salvation Army’s, underlying misconduct.

89. Defendant Crowell, in his sexual grooming and abuse of Plaintiff, acted with extreme and outrageous conduct that would shock the conscience of a reasonable person, when he repeatedly and brutally sexually abused a 13 through 16-year-old child. This conduct was atrocious and transcended all bounds of decency, such that this conduct would be utterly intolerable in a civilized society.
90. Plaintiff suffered severe emotional distress, including severe mental anguish, due to Defendants' intentional and/or reckless, extreme, and/or outrageous conduct.
91. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT V
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(In the Alternative to Count IV, Against Salvation Army Defendants and Defendant CB Crowell)

92. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "91" above with the same force and effect as if more fully set forth here, and further alleges:
93. By turning a blind eye to actual knowledge of Defendant Crowell's abuse, by employing Defendant Crowell, by choosing to place Defendant Crowell in a position wherein he could work unsupervised and with close proximity to children, and by allowing Defendant Crowell access to numerous children, Defendant CB Crowell and Salvation Army Defendants caused Plaintiff to be sexually abused. Defendant CB Crowell and Salvation Army Defendants negligently placed Plaintiff in danger of bodily harm and caused Plaintiff to suffer extreme physical injury and emotional distress as a result. Furthermore, Defendant

CB Crowell had actual knowledge of Plaintiff's sexual abuse, but Defendant CB Crowell repeatedly suppressed that information.

94. Defendant CB Crowell's and Salvation Army Defendants' repeated failures by employing and continuing to employ Defendant Crowell, holding out their premises as a safe environment for children, despite having reason to know of the potential dangers to children therein, thereby subjected Plaintiff to sexual abuse and harassment at the hands of Defendant Crowell.

95. By employing Defendant Crowell to work unsupervised with children and/or allowing him to use his broad, unsupervised access to church facilities, Defendant CB Crowell and Salvation Army Defendants subjected Plaintiff to sexual abuse and harassment at the hands of Defendant Crowell by allowing him to have ready, unfettered access to minors with whom to gratify his prurient desires, including Plaintiff.

96. Plaintiff suffered severe emotional distress, including severe mental anguish and physical injury, due to CB Crowell's and Salvation Army Defendants' negligence and extreme recklessness.

97. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT VI
NEGLIGENT MISREPRESENTATION
(Against Salvation Army Defendants in Defendant CB Crowell)

98. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "97" above with the same force and effect as if more fully set forth here, and further alleges:

99. Defendant CB Crowell and Salvation Army Defendants each affirmatively represented to Plaintiff that their officers, church, facilities, and programs were safe and safe environments for children.
100. Defendant CB Crowell and Salvation Army Defendants each affirmatively represented to Plaintiff that they had sufficient policies and procedures in place to ensure that children were safe in their facilities and programs.
101. Defendant CB Crowell and Salvation Army Defendants affirmatively represented to Plaintiff that Defendant Crowell did not have a history of abusing, harassing, and/or molesting children, that Defendant CB Crowell and/or Salvation Army Defendants did not know or suspect Defendant Crowell had a history of molesting children and/or that Defendant CB Crowell and/or Salvation Army Defendants did not know that Defendant Crowell was a danger to children.
102. Each representation was material and false.
103. In addition to the representation made directly to Plaintiff, Defendant CB Crowell and Salvation Army Defendants, through their officials, made these representations with knowledge and intent that they would be communicated to Plaintiff through her caregivers' words and actions. Defendant CB Crowell and Salvation Army Defendants also had reason to believe that the representations would influence the amount and type of time spent in close proximity with Defendant Crowell, Defendant Crowell's access to Plaintiff, and Defendant Crowell's ability to molest Plaintiff.
104. Based on information and belief, Defendant Crowell had a history of molesting children, and was openly and notoriously grooming and abusing Plaintiff during the relevant timeframe, and Defendant CB Crowell and Salvation Army Defendants should have known

that Defendant Crowell had a history of sexually molesting children and/or that he posed an obvious and ongoing danger to children, specifically Plaintiff.

105. Plaintiff justifiably relied upon Defendant CB Crowell's and Salvation Army Defendants' misrepresentations, which caused Plaintiff to suffer harassment, molestation, and sexual abuse by Defendant Crowell as well as suffer other damages described herein.

106. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, depression, anxiety, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

107. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**COUNT VII
ASSAULT
(Against Defendant Crowell)**

108. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "107" above with the same force and effect as if more fully set forth here, and further alleges:

109. Defendant Crowell's physical molestation and abuse of Plaintiff was entirely unjustified and constitutes an intentional assault upon Plaintiff.

110. Defendant Crowell, by his conduct, placed Plaintiff in fear of imminent harm and offensive conduct.

**COUNT VIII
BATTERY
(Against Defendant Crowell)**

111. Plaintiff repeats and realleges each and every allegation contained in paragraphs “1” through “110” above with the same force and effect as if more fully set forth here, and further alleges:

112. Battery is the intentional wrongful physical contact with another person without consent.

113. Defendant Crowell’s intentional physical molestation and abuse of Plaintiff was entirely unjustified, done without Plaintiff’s consent, and constituted battery upon Plaintiff.

WHEREFORE, Ms. Sprout respectfully requests that the Court enter judgment in her favor against Defendants, and issue an order containing the following relief:

- (a) Compensatory and punitive damages against each Defendant, jointly and severally, together with interest and costs of suit and in excess of any jurisdictional amount requiring compulsory jurisdiction, or arbitration.
- (b) Plaintiff’s attorneys’ fees and costs.
- (c) Prejudgment interest to the extent permitted by law.
- (d) Such other and further relief as the Court may deem just and proper.


DATED: November 4, 2019
New York, New York

MANLY, STEWART & FINALDI

John C. Manly, Esq.
747 Third Avenue
32nd Floor

New York, New York 10017
jmanly@manlystewart.com

KRANTZ & BERMAN LLP

By: 

Larry H. Krantz

Marjorie E. Berman
Hugh D. Sandler
747 Third Avenue
32nd Floor
New York, New York 10017
Telephone: (212) 661-0009
lkrantz@krantzberman.com
mberman@krantzberman.com
hsandler@krantzberman.com

***Attorneys for Plaintiff Nicole
Sprout***